

IF YOUR "CHRISTMAS SHOPPING" IS not finished yet, the store-ads. are of greater importance to-day than they were yesterday.

PROTEST FILED
AGAINST GALVIN

Law and Order League Ob-

Law and Order League Objects To Appointment.

Charges That He Permits
Poolroom To Operate.

Meeting of Republican Com-
mittee Draws Crowds.

CANDIDATES HARD AT WORK

Washington, Dec. 4.—[Special].—Protests from the Law and Order League against the appointment of Maurice Galvin for the Covington Collectorship have reached the President. Mr. Roosevelt having announced to the four Republican members that he would select Galvin it is presumed he will carry out his declaration. In that event it is stated the matter will be carried to the Senate and Galvin's confirmation opposed there.

The principal charge against Galvin is that he, as Commonwealth's Attorney, declined to enforce the laws against poolrooms and gambling. The Rev. J. F. Miller, of the Ninth-street Christian church, of this city, and a former minister in Covington, was the medium through which was presented the charge of Galvin's alleged unfitness for the office.

* * *

Boomers Busy.

Congress and the Waterways Convention are eclipsed by the arrival of the Republican National Committee. With its members have come dozens of candidates of the several Republican boards and the hotel lobbies resemble those of a city holding a national convention. There is little interest in the time or place of holding the big show. Kansas City is expected to get it and the date will be along about July 1.

What is interesting the members of the committee is the next presidential candidate. With them it is simply a repetition of what Republican Congressmen say, "Roosevelt, if he is willing to take it."

Before that there is division. R. C. Hapgood, president of the Pennsylvania league is here, pulling for Senator Knox. He is following the Taft man around and inviting them to come to Knox on the second ballot. Joe Keating the advance guard of the Paulbanks boomers, has arrived and James Goodrich is on the way. John R. Malloy, of Columbus, is telling the committeemen that Foraker will beat out Taft in Ohio. A. I. Vorys, the Taft manager, is talking about "the President's candidate." The Illinois Congressmen are booming Cannon and then, too, there is a LaFollette boom.

Hughes Not Represented.

The only man who does not seem to be represented is the Governor of New York, and still the name of Charles E. Hughes is on the tongue of every politician.

No matter what may be the leanings of committeemen who chance to gather and talk politics, the first question asked is: "What about Hughes?" And yet no Hughes man can be found in the crowd; there is not the semblance of an organization connected with his name; no one asks how the convention going to Kansas City or any other city will suit him, but he is the one man the supporters of every other candidate fear they have to beat.

Roosevelt On Democratic Platform.

If the platform adopted by the Democrats at Chicago in 1896 can be accepted as Democratic politics the Democrat, according to the Baltimore Sun, is very much of a Democrat in spots. There is a singular parallel between the policies advanced in Mr. Roosevelt's message and those laid down in the Chi-

to the platform of the Democratic party in 1896, upon which Mr. Bryan was elected, and which included the issuance of silver Mr. Roosevelt recommends an elastic asset paper currency, but the other important planks of the Chicago platform are all in Mr. Roosevelt's message.

The Chicago platform was opposed to any radical change in the tariff. Mr. Roosevelt wants tariff action deferred. The Chicago platform advocates an income tax, and so does Mr. Roosevelt. The Chicago platform advocated legislation for the arbitration of labor disputes, and so does Mr. Roosevelt. The Chicago platform favored stricter Federal control of trusts and railroads and the enlargement of the power of the Interstate Commerce Commission. Mr. Roosevelt makes the same recommendation. The Chicago platform objected to the power of the courts to issue restraining orders, and finally both the platform and the message advocate the improvement of inland waterways in

* * *

Bankers At Variance.

A very striking illustration of the diversity of views among bankers on remedial financial legislation is furnished by the Wall Street Summary, a financial publication, which is making a poll of the banks of the country on their choice of propositions for currency reform. The second day's re-

Sensible Gifts For Practical People

From our third-floor stock we can save you money on everything you buy of us in Rugs, Curtains, Bed Furnishings, Suit Cases, etc. Select your gifts from the economical list below:

- 50c** The starting price on Table Covers.
- 75c** Is the low price on fancy Mantel Draperies; better goods in proportion.
- \$1.00** And up to \$3.00 for all kinds of Screens.
- 75c** For Bathroom Rugs, in pretty patterns and colors; green, red, old gold and light blue.
- \$1.25** Is the starting price for a beautiful line of Rugs in a great variety of patterns.
- \$1.25** For pair Lace or Muslin Curtains in pretty patterns. We will present you with the rods to hang them upon.
- 65c** For Roll Bolsters. Lace Bed Sets \$4.50 and up.
- \$1.50** And up for good variety Couch Covers.
- \$12.00** Buys a Mission Clock that sells everywhere at \$25.00. Made of finest weathered oak, with burnished metal figure on dial. An excellent timekeeper.
- \$3.50** For Baby Go-carts. We are headquarters for these goods and can save you money on each and every purchase.
- See our new Snowflake Curtains, Portieres, Shirtdraperies and Shoe Boxes and other household conveniences and decorations.
- 50c** To \$3.50 for highly decorated Umbrellas for decorative purposes.
- 85c** And up for India Seats, Palm Stands and Clock Shelves.
- \$1.50** Buys a good Suit Case, between one and up. A nice present for a man.
- \$5.00** Buys a good Trunk; the kind to travel with, that will stand hard usage.
- 75c** And up are prices on new Hosiery and Foot Stools.

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Earn Interest as of First of Month at 3% Compounded Semi-Annually.
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CAPITAL \$350,000.
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HARDWOOD DOORS & INTERIOR FINISH
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scattered all over the country. The answers were divided as follows: For the central bank, 90; for the American bankers' plan, 87; for the asset currency, 12; for the treat plan, 13; for the Shaw plan, 36; for the credit currency, 4; declined to answer, 24. In addition to the foregoing sixteen "other plans" were suggested by the bankers, and the polling has just begun.

Minor Washington Matters.
Mr. Warwick M. Hough, the resourceful attorney of the rectifiers, who daily digs up something new to put against the enforcement of the Attorney General's construction of the whiskey labeling provision of the State Food Act, said to-day that after an investigation of the subject he finds that the enforcement of the Attorney General's views would mean that about 1 per cent. of all the whiskey turned out in Kentucky could be called whisky. Mr. Hough is in daily conference with the officials of the Department of Justice and expects the cases to get in the courts shortly. About forty cases were sent over from the Department of Agriculture, and it is from these the Attorney General will select several for trial.

Under the terms of a bill introduced to-day it is provided that, commencing with the fiscal year 1910, there is to be appropriated to each State for the maintenance of a school for instruction in agriculture a sum equal to not less than ten cents per capita of population. The bill would give the State of Kentucky about \$250,000 in that year.

Representative St. Louis, of the Second Kentucky District, is working hard for the vacant position on the Agriculture committee, created by the retirement of South Trimble. The Kentucky member is expected to land the place, which, from the farmers' standpoint, is considered the most valuable in the House.

Representatives Shelby, Edwards, Bennett, Langley and James were among the members present at the opening of the National Rivers and Harbors Congress this morning. All the members of the congressional delegation are delegates to the convention. In addition P. J. Altizer, of Winchester, and J. C. Hunt, of Lexington, were present as delegates from Kentucky. Among the Indiana delegates in attendance are Frank Posey and Capt. Keller, of Evansville.

Postmaster J. H. Meyer, of Newport, is here looking after his appointment as the delegation he called at the Post-office Department to-day and filed his application for reappointment bearing the endorsement of the organization. The appointment is expected to be made.

Representative Langley to-day recommended the appointment of Mrs. Coffee is a strong diuretic irritant; it interferes with digestion, and affects the kidneys in a great many cases where it is not even suspected. If you value health and a sound body, the wise thing to do would be to quit coffee and give Postum a fair trial—say two weeks. "There's a Reason." Read the famous little book, "The Road to Wellville," in pkgs.

CITY PRIVILEGES THO SANBILLS

May Be Denied Those In Unapproved Subdivisions. Poured Into Hopper Yesterday By Senators.

BOARD OF WORKS GETTING FAMILIAR WITH NEW LAW. JEFF DAVIS AT THE FRONT WITH A HOT ONE.

SEEMS TO HAVE BEEN OVERLOOKED HERETOFORE. AIMED AT DESTRUCTION OF ALL TRUSTS.

THE PROVISION IN FULL. MOST DRASTIC EVER KNOWN.

Members of the Board of Public Works are familiarizing themselves with a law enacted by the Legislature two years ago which requires the plat of all subdivisions of Louisville to be approved by the Board of Public Works before the subdivision can be accepted as a part of the city, and before deeds to the lots in these subdivisions can be given. Incidentally they have ascertained that this new law has not been strictly observed since its enactment, but A. G. Barrett, chairman of the board, does not think that the deeds to property purchased in subdivisions, the plats of which have not been adopted by the Board of Public Works, are thereby invalidated. The only effect of the noncompliance with the law, in his opinion, is to deprive the residents of these subdivisions of electric lights furnished by the city, the improvement of streets and the collection of garbage by the city.

The law, which is found under Section 2526 of the city charter, and which is entitled "Improvements to be Directed by Ordinance—Plats and Maps to be Recorded," applies not only to subdivisions within the limits of the city, but within a radius of three miles of the city limits.

The law in full follows: No public way shall be opened, widened, narrowed, closed or constructed, and no sidewalk shall be constructed or reconstructed, and no public ways and sidewalks shall be dug and valued, except by ordinance recommended by the Board of Public Works.

Whenever any person desires to lay out or offer for dedication any public way or easement in the territory within the limits of the city, he shall file with the Board of Public Works a plat, map or map of the territory proposed to be dedicated, showing the levels of said land and the nature and dimensions of the proposed public way or easement proposed or offered for dedication.

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LEMON & SON, JEWELERS

Announce the completion of their Christmas stock. Inexpensive Sterling Silver Novelties, good-looking Jewelry, fine and in good taste. The most complete Diamond stock in the South, at prices below competition. We make a few suggestions for Christmas:

- FOR LADIES.**
RINGS
PENDANTS
FESTOONS
SHELL COMBS
WATCHES
BARRETTES
TRACELLES
HAT PINS
VEIL PINS
- PURSES**
CARD CASES
LORNETTES
GOLD BEADS
GOLD BROOCHES
TOILET ARTICLES
DESK ARTICLES
TOILET BOTTLES
- FOR GENTLEMEN.**
FOBS
BUTTONS
VEST BUTTONS
STUDS
SIGNET RINGS
LOCKETS
SCARF PINS
WATCH CHAINS
OPERA GLASSES

NECKLACES. \$9 to \$50. **LEMON & SON, Jewelers, 511 4th Ave.**

NOAKS DENIES HIS CONFESSION

(Continued from First Page.)

Frankfort on the arrival of the train to get a look at the defendant and at the members of the jury trying him for his life. They followed him to the party to the entrance to the Capitol grounds, but found policemen stationed there and would not permit them to enter. The grounds and buildings had been prepared in advance for the coming of the court party, the officials vacating their offices temporarily.

Noaks on the Stand. At 2:30 o'clock the court session was resumed and the Commonwealth witnesses, Robert Noaks, was called for further cross-examination by Mr. Smith, of counsel for defendant. After taking witness over his movements since court adjourned last night, the attorney asked if Noaks was not, in the winter of 1899, willing to do anything to keep the Republicans in power, and if he was not at that time an open advocate of civil war. Noaks responded:

Want Noaks to Stay. The cross-examination was concluded at 2:40 o'clock, but the defense attorney, Mr. Smith, called Noaks back to the stand to answer questions for contradiction.

To Help Friends. Mr. Franklin then conducted the re-direct examination. In response to questions, Noaks said that, although he wrote the letter to the owners in Danville, Ill., to see him, the suggestion to write the letter came from two members of the National Republican Committee, and also attended the Rivers and Harbors Congress.

Declines to Modify. Washington, Dec. 4.—Secretary of the Interior Garfield, in a decision announced to-day declined to make certain modifications of the new oil and gas regulations in Indian Territory as applied for by the Mid-Continent Oil and Gas Producers' Association.

Will Not Resign. Washington, Dec. 4.—Richard R. Rogers, general counsel of the Isthmian Canal Commission, who has just returned from a trip to the canal zone, emphatically denies the report that he contemplates resigning his position.

More of It—And Worse. Washington, Dec. 4.—A revision of President Roosevelt's order of last week providing for a test of efficiency of the rank of Captain in preparation at the War Department, it is said that the provisions are more severe than in the original order.

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TRAFFIC IS TOO HEAVY MOST CONVENIENT TO THE PASSING THROUGHS

(Continued from First Page.)

then introduced M. Jusseland, the Ambassador of France to the United States, who spoke at some length. Francis G. Newland, Senator from Nevada, in his address, applied old principles to new conditions. He said that the subject involved not only the waterways, but the railroads. He pointed out that the transportation interests of America exceeded four million tons in every twenty-four hours, and that it was advancing every day. Unless this traffic is able to be carried, he inquired, what possible use is there to produce it? He pointed out that it was beyond the power—the physical power—of railroads to increase their transportation facilities in the immediate future. "It is not a question," said he, "of right or wrong, of locomotives, of general equipment, but of terminal facilities of railroads. It has been found that a capitalization of \$150,000,000 per mile on Manhattan Island would be necessary to provide adequate facilities for transportation or for the handling of freight traffic. One-half of that amount would pay for the construction of immense waterways in the country. We must make our profit by carrying our products to the nations of the earth. We must look to an increase of our inland transportation by water if we are to be able to compete with the other nations of the world in foreign commerce."

Letter From Carnegie. A letter was read from Andrew Carnegie expressing his regret that he was not able to be present at the sessions of the Congress. The salient point of the letter was this: "Instead of expending money on waterways to light imaginary fires we should spend it on our waterways."

At the opening of the afternoon session the vice presidents and members of committees on resolutions and nominations were presented by the chairman of the various State delegations. At the conclusion of the nominations J. Hampton Moore, of Philadelphia, was announced by President Randall, of the Committee on Nominations. The details of the committee reported that 137 delegates from thirty-three States and Territories had been registered, but that the total number was not complete.

Chairman Randall then introduced to the Congress the Hon. Cyrus P. Wallbridge, of St. Louis, former Mayor of that city, who reviewed the work of the Lakes to the Gulf Waterways Association and the present management of the association. He said that the work of the association was in the hands of twenty members, including the Governors of several States. Just what to promote the construction of a ship canal at least fourteen feet deep from the great lakes to the Gulf of Mexico, a such a waterway, he said, would extend over a coast line 1,500 miles into the interior of the country, and in effect, would create what Erie canal a continuous internal waterway from the city of New York to the city of New Orleans.

He said that the work had been done excavated south of Chicago and that the State of Illinois had agreed to issue of \$20,000,000 of bonds to continue the project.

Introducing Gustav H. Schwab, of the North German Lloyd Steamship Company, representative of the German Association of New York, President Randall referred to him as one of the notable managers of ocean travel. He said that the importance of foreign commerce in the life of nations scarcely could be overestimated, and that the United States, by developing the idea of the people and fosters international good feeling. He pointed out that the foreign commerce of the United States had developed wonderfully during the past half century; that thirty-one years ago it was \$782,841,000, and that in the year 1906 it was \$4,129,445,000, showing that it had quadrupled in that time.

The total value of the imports and exports of the United States in 1906 was \$2,150,000,000, and for the fiscal year of 1906 had increased to \$2,315,000,000. These figures indicate the rapid progress of the United States in material development during these years.

Forty years ago," said Mr. Schwab, "the largest steamer employed in trade between New York and Europe was a vessel of 333 tons register. Now seventy-seven steamers, all from 10,000 to 24,000 tons register, are engaged in the service. The increasing demands of the foreign trade of our country will in a short time be gratified by the completion of an improved channel from the harbor of New York to the sea, which will prove one of the most important factors in the enlargement and extension of the foreign commerce of the United States through the increase in the size of the cargo imports and the consequent reduction in ocean freight rates. This project, he stated, had been considered twelve years ago, but the time was not then ripe for its realization. The canal project, he said, would be about 10 miles long and would connect the Mississippi river with the Atlantic ocean."

Ex-Gov. Fardee Speaks. Former Gov. George C. Pardee, of California, said that it was his fortune to conduct through "one of the greatest men living on earth," referring to President Roosevelt. He said that in the course of his trip he often met people with the idea that the improvement of the rivers and harbors of the country really began in the year 1899. He said that a quarter square mile of land in the Mississippi valley, through which every year a great number of people pass, the people realized that the improvement of their waterways should begin in the mountains.

President Randall, of the congress, then introduced John Burdett, director of the Bureau of American Republics, who delivered an address on the "Waterways of Other America." Mr. Burdett, of G. P. Haddock, Wash., concluded the afternoon session.

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Adm. J. J. Hill, president of the Great Northern railroad, and Govs. W. M. O. Dawson, of West Virginia; Robert B. Glenn, of Maryland; John A. Johnson, of Minnesota; Albert B. Cummins, of Iowa, and B. B. Comer, of Alabama, will address the congress.

WATERWAY COMMISSION Provided For In Bill Introduced By Senator Newlands.

Washington, Dec. 4.—Senator Newlands introduced to-day a bill providing for the appointment of an Inland Waterway Commission and for the improvement and development of the inland waterways of the country. The bill appropriates \$50,000,000 to the commission and provides that when ever the fund is reduced by expenditures below \$20,000,000 the President may make up the deficiency by the issue and sale of bonds, not exceeding \$10,000,000, and the amount of the cash in hand and \$50,000,000.

Senator Bacon's Bill. Washington, Dec. 4.—Senator Bacon introduced a bill providing a survey to determine the practicability of building a canal to connect the navigable waters of the Mississippi valley with the navigable waters of the State of Georgia. This project, he stated, had been considered twelve years ago, but the time was not then ripe for its realization. The canal project, he said, would be about 10 miles long and would connect the Mississippi river with the Atlantic ocean."

IMMEDIATE DECISION WILL BE HANDED DOWN. The question of the legal right of the Federal Court to make the appointment was the subject of much discussion among the lawyers here to-day, and practically everyone of the opinion that the court will sustain Judge Miller and allow the appropriation to stand.

Brought Home for Burial. The body of Mrs. Leona Richey, of Atchison, Kan., who died in that city Tuesday morning, December 2, arrived in Louisville yesterday morning and was taken to Lawrenceburg last night for burial at the old Birdwell home. Mrs. Richey was a sister of Mrs. J. B. Oliver, of Louisville, and of Mr. J. N. Birdwell, of Lawrenceburg.

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Courier-Journal.

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A Consolidation of
THE LOUISVILLE DAILY JOURNAL.

Louisville, Ky., Nov. 24, 1930.

LOUISVILLE DAILY DEMOCRAT.

Louisville, Ky., 1843.

MORNING COURIER.

Louisville, Ky., June 3, 1844.

First issued as the
Courier-Journal November 8, 1862.

Rates.

Daily edition, one year, \$5.00

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any calling or profession than a grandstand or griddon knowledge of football. Parents who can afford to give their sons the benefit of a university education, supplying them with sufficient spending money to meet their demands, could easily afford to pay rates that would make a floating college pay.

The young man from the Middle West goes to an Eastern university not solely because of the superiority of the faculty as compared to that of an institution nearer home, but because a temporary change of residence has a broadening effect. How much more valuable would be a tour of the world at the same, or less, expense? A college course aboard ship could be made not only highly beneficial to the student, but also much more attractive to the average young man of limited means and opportunities than a course at a college where the boundaries of the campus would be his horizon.

Travel after graduation adds to the advantages and pleasures of college life the benefits of experience in foreign countries, but only a few young Americans have either the time or the money to travel after securing their degrees.

Aoki's Summons.

The summons home of Count Aoki, the Japanese Ambassador, was at once seized on by correspondents as an evidence that his official action had been unsatisfactory to his home Government. They said he had been too conservative, too "easy," and that the result meant that he was discarded.

This notion proceeded in part upon the idea that there is a very grave situation between this country and Japan. Leading men of both countries have discredited this notion, but there are a number of papers that cling to it. It suits the business interests of some to hold out the idea that war is imminent, or, at any rate, that it is certain to come after a time. There are others, doubtless, that are sincerely of the opinion that there will be a crisis in the relations of the United States and Japan. Both classes lay stress upon the summons to Aoki to come home as indicating something of an ominous character.

Viscount Aoki treats this theory lightly. He is called home, he says, to make a report on matters in which Japan is interested jointly with the United States. The report, he says, can be made better verbally than in writing.

Now this is rather improbable. As far as is known the questions mutually interesting the United States and Japan can be discussed in writing without any great difficulty. The cases where a verbal report from an Ambassador is required are not numerous or of frequent occurrence. In fact the assertion that his presence is wanted in Japan in order to report verbally on a number of questions rather gives more significance to his recall than the assertion that his ministry was not satisfactory. Still he says the relations between the two countries are friendly, and there is every reason why they should continue good. On a great question like this, knowing his instructions, he is better authority than on a question of his own acceptability, concerning which nothing may have been told him. As he does not know how long he is to remain in Japan, or whether he will return, it is not at all improbable that his going is really a recall. But if his ministry has been unsatisfactory, it is a mere assumption to say that he has been too favorable to American interests.

It is not to be denied that there are important questions to be settled between this country and Japan. The matter of immigration of the Japanese to the United States is one that must be settled. Attacks on the Japanese have somewhat complicated this, but they have not been of so serious a character as to threaten the continuance of good international relations. The idea industriously propagated by a section of the American press, and supported in some degree by certain persons in Japan, that this question is to be made the occasion of war is distinctly repudiated by the Government at Tokyo. The occurrence of similar trouble in Canada, a possession of Japan's ally, Great Britain, has tended to make the American incidents less sensational. The Japanese Government has busied itself with the question of the emigration of its people to the Pacific coast, and has manifested a disposition to keep within bounds. A violation of an existing treaty, it persisted in, might ultimately lead to war, but it is apparent that the treaties which affect Japanese immigration to both the United States and Canada will have to be modified. In this there is no casual bell. Every country has a right to decide whom it will admit and whom exclude, and the feeling in this country is such that the coming of Japanese laborers in large numbers is distasteful to our people.

While it is not improbable that Viscount Aoki's return home is but preliminary to the sending either of another Ambassador, it is a mere assumption to say that his Government is dissatisfied with him because he is too easy. There are many other reasons which might exist for a change which seems to have no particular significance.

Taft in St. Petersburg.

Secretary Taft's address at a banquet given in his honor in St. Petersburg ought to allay the suspicions of Russian enthusiasts and gossip-mongers that he is in the Russian capital to arrange an alliance with Russia. He says frankly, good-naturedly and definitely that he has no such purpose on hand. Of course, there may be those who construe this as merely language of concealment, and that while outwardly he protests that there is to be no treaty he secretly will negotiate

for one. Mr. Taft's disavowal of any such mission ought to have peculiar weight, however, because what he says is wholly in keeping with the policy of the American nation ever since it was founded. "No entangling alliances" has become a sort of keynote of our foreign policy.

In adding that in his opinion there was no possibility of war between the United States and any other country and there was no reason for one the War Secretary said something that the world generally might well put in its pipe and smoke.

The Commissioner's Powers.

In determining that the Insurance Commissioner had no right to revoke the license of the Mutual Life Insurance Company of New York to do business in Kentucky the Court of Appeals followed the letter of the statute prescribing his powers. As the Commissioner has no powers except only those expressly conferred upon him by statute it is within the established usage of courts to insist that the statute be literally adhered to. He can do no more than the statute gives him the authority to do. In defining his duties the law limits his activities to those defined duties. The statute at least that section relating to the revocation of an insurance company's license—reads as follows:

"If he is of the opinion, upon examination or other evidence, that a foreign insurance company is in an unbecoming condition, or if he is of the opinion that the law, or if its officers or agents refuse to submit to examination or to perform any legal obligation in relation thereto, or if a life insurance company, that its actual funds are less than its liabilities, he shall revoke or suspend all certificates of authority granted to it or its agents."

The Court of Appeals holds that upon no other grounds than those cited in the statute may the Insurance Commissioner revoke a license. The basis of the Commissioner's action, however, was not included in the list. His attempt to revoke the license in this instance grew out of the summary dismissal of a Mutual Life general agent whom the company's managers discovered to be working to oust them; who, by seeking their removal, according to the managers, impliedly aspired the integrity of a company he was employed to support. The dismissal of the general agent was construed by the Commissioner as signifying questionable motives and practices on the part of the managers.

Under some circumstances the Insurance Commissioner's opinion is final. The law plainly describes the conditions under which he may act peremptorily. The very words of the statute quoted give him the power, and, indeed, impose upon him the duty to revoke the license "if he is of the opinion." His opinion is the test, although that opinion must be the result of "examination or other evidence." The solicitor or questions pertaining to the solvency of the companies are almost altogether embraced in the provisions of the statute. The dismissal of a general agent does not relate to the company's solvency. Therefore the Commissioner possessed no authority to revoke the license of the company, as he attempted to do.

Whatever may have been the misdeeds of various insurance companies in the past, it is not to be lamented that the Insurance Commissioner has only restricted authority. For him to have the power arbitrarily and summarily to revoke licenses on whatever ground he individually deemed sufficient would be to place in the keeping of an individual a power whose abuse could produce unjust and disastrous results. Any whim, bad logic, anger or impulse might lead him into acts of far-reaching perniciousness.

The Vicksburg National Cemetery.

The Government Commissioners in charge of the Vicksburg National Military Park have issued a report of the work done in the erection of monuments and the improvement of the grounds since its organization, which shows a very gratifying progress and well illustrates the spirit of non-sectional patriotism which it has developed. Two of the board—William T. Rhyne and James G. Evered, representing the Union, and Stephen D. Lee the Confederate element, indicate the non-partisan spirit by which it is animated, while the interest developed in the success of the movement by citizens of the North and South alike has placed it in the very front rank among our national cemeteries, notwithstanding the comparatively short interval which has elapsed since its organization.

The park, embracing 1,253 acres, commemorates the campaign, siege and defense of Vicksburg from March 29 to July 4, 1863, when the Confederate forces under Gen. Pemberton surrendered to Gen. Grant. The event being so nearly coincident with the termination of the unsuccessful campaign of Gen. Lee at Chambersburg gives it additional historic interest, as one of the crises of the war which were such factors in deciding the issue at stake. More than a year previously it had been the scene of a successful defense by the Confederates in a prolonged campaign in which there were many casualties on both sides, and it therefore has an unusually strong hold upon the interest of the survivors of both armies and both sections of the Union, in preserving it as a monument to the valor of each and of the people of the North and South alike.

The avenues and circles and the public roads make a total of more than thirty miles of park roadway, all of which has been or will be meted with concrete or gravel. Vicksburg occupies an elevation of several hundred feet above the Mississippi and the ground covered by the military operations and now constituting the

park is undulating and well adapted to picturesque landscape effects. This is indicated by the fact that sixteen bridges have been constructed as part of the parkway system at a cost of \$116,449. For this and other improvements Congress has appropriated \$775,000 and further appropriations will be made until finished. Fourteen States—Alabama, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island and Wisconsin—have appropriated \$797,000 for the park, an average of more than \$12,800 for each of the 233 commands from these States which served in the campaign preceding the fall.

The most costly monument as yet erected is that reared by Illinois, constructed of North Carolina granite, with a dome sixty-two feet high and fifty-four feet in diameter. The names of 35,000 of the soldiers who belonged to the 79th Illinois engaged in the siege are inscribed on the interior wall of this memorial temple. In addition to this the State has placed seventy-nine monuments and eighty-five markers in the park. Iowa has erected a monument costing \$100,000 and Minnesota has appropriated \$130,000 for a similar purpose, while nearly all the other States named have erected appropriate monuments or made appropriation for that purpose. The monument erected by Pennsylvania bears this touching inscription: "Here brothers fought for their principles; here heroes died for their country, and a united people will forever cherish the precious legacy of their noble manhood."

Besides the fourteen States named as having contributed monuments or funds for other purposes thirteen other States had commands which took part in the operations commemorated by the park which have not yet contributed to its improvement or to the perpetuation of the memory of the brave men who took part in the campaign, but the commissioners express the belief that they will. Among those thus far delinquent is Kentucky, which, unlike nearly all the rest, may be said to have a double obligation to discharge, since she was represented on both sides of the struggle. On the battlefield of Chickamauga, where she was similarly represented, the Legislature of the State has erected a joint monument appropriate to the restored friendship of those who survived the struggle, and a like duty should lead to similar action as to Vicksburg. As yet there is but one memorial to a Kentuckian referred to in the report, and that is a statue to Gen. Lloyd Tilgham, who was killed in the battle of Champion Hills May 16, 1863, to be erected by his two sons in a memorial circle which has been named for him.

Prohibition and Patent Medicine.

A timely cartoon in an illustrated comic weekly pictures a scene at a Georgia railway station, where carloads of various "tonics," for distribution in a prohibition State, are stacked upon the platform. There is more truth than jest in the artist's mental vision of conditions that will exist where prohibition attempts to prohibit. There will be quite a deal of work for grand juries in prohibition districts if there is a vigorous attempt to enforce the prohibition laws, and not all of it will be centered upon the illicit saloon that sells distilled spirits, wines and malt liquors under labels that tell something about the contents of the bottles if they brazenly misbrand the quality.

Kentucky boasts a town whose name stands upon the map as a monumental joke at the expense of prohibition that does not prohibit. Some twenty-five years ago a country store, situated in Crittenden county, near a post-office and steamboat landing called "Hurricane," drove a lively trade, in prohibition times, in bottled stomach bitters called "Tolu Tonic." The settlement that sprang up in the vicinity of the store was dubbed "Tolu." The village attained such a healthy growth that the post-office, long situated on the river bank, and in reach of high water, was moved up to the head of Hurricane creek, in which "Tolu" nestled. Thus "Tolu" became the real name of the town, and "Tolu" it remains to this good hour.

The moral pointed by the tale is too obvious for elucidation. Where the licensed liquor traffic is forbidden the love of liquor will find a way.

The report of Secretary Wilson, of the Department of Agriculture, for the current year shows very clearly that to whatever cause the unsettled condition of the finances of the country are chargeable the farmers are not amenable to censure for lack of proper diligence in the line of their duty. The total value of farm products for the year 1907 is given as \$7,412,000,000. While the percentage in the volume of the crops has been exceeded in previous years, this value this year exceeds that of 1906 by \$657,000,000 and of 1905 by \$1,102,000,000. This is 10 per cent. above the first and 17 per cent. above the second year named.

"Was the President's promise not to become a candidate again a solemn pledge?" asks Mr. Bourne, of Oregon. With the exception of the habitual expressions of William T. Stead nothing more solemn was ever seen in print.

"What should be done with our rivers?" asks the Chicago Inter Ocean. Oh, very probably we'll be forced to use them as a beverage when prohibition realizes its ideals.

The enthusiasm among the children is increasing. Weekly stories are told them by Yandere, a teacher of the High School, gave a lecture to the children on the "Warrior Movement." Her lecture was illustrated by models drawn by girls of the High School.

The reading rooms had to be used to accommodate the children. There are three children's clubs and instruction is given them which make for good character and reading clubs. The children with people anxious to see them.

On John Greenleaf Whittier, whose 100th birthday was celebrated by the colored people on December 5, the number of books issued at branch, 2,545; number of books issued at library, 1,401; total number of books issued, 3,946; average daily circulation, 120; total number of readers, 1,401; total number of readers, 1,401; total number of readers, 1,401.

Massachusetts tariff revision Republicans will now rise and recite "The Vampyre."

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OUR PUBLIC ROADS.

[To the Editor of the Courier-Journal.]

If we are to have additional legislation on our public roads, and especially if our counties are to be urged to make large improvements of them, then there are important things to be considered. There were not sufficiently set forth at the recent meeting of the Kentucky State Development Association, nor in your brief review of that association's recommendations.

Of course, all reasonable people are agreed upon the great importance of good roads. Without doubt we should have as many good roads as we could possibly pay for and maintain in proper repair, and as there is no question as to the benefits of good roads, it will be chiefly the question of maintenance of roads after construction that will deal with.

Some have charged that the automobile interests are largely the real promoters of the present great interest in the improvement of roads, and it is complained that while their cunning efforts greatly promote their own private interests, they at the same time practically escape all costs of construction and repairs. But this is as it may, it cannot harm us to be continuously reminded of the importance of good roads, it matters not from what source, provided we on our part do not allow ourselves to be taken in by expenditures which we cannot afford.

All taxpayers should be in mind that the first cost of rock-faced or gravel roads will not result in as great a burden upon the taxpayer as the cost of their repair or keep. From reliable and sufficient data it may be estimated that, upon a commercial rock-faced road, the cost of the wear and general keep will, for the course of years, equal an average annual expense of one-tenth of the original cost of the road. In other words, we must estimate that with such a road its yearly cost of maintenance will be as much as its first cost. If a commercial road is to be a road sufficiently traveled, that, if put under toll, the tolls from the travel would not only pay for the road, but we see that in any general system of public roads, the cost of maintenance must give even greater consideration to the burden of repairs than to the interest on the bonds of the road.

Intelligently do this there will be no danger of them overburdening or bankrupting themselves. Whether any particular road should be metalled resolves itself into the question: "Will it trade up?" If it will be sufficient to balance the cost of repairs and the interest upon the original investment, it will be a good road. If it would be as bad an investment in the public as it would be with a private company, it would be a bad investment.

Hence we should all understand that no agricultural country so conditioned can afford to have a road system. The road of the mileage of its public roads. If, under an uninformed enthusiasm, or a spirit of blind enterprise, we are led to exceed this we will be sure to regret it. It is a mistaken idea with some that the only way to have good roads is to build them. It is a mistaken idea with some that the only way to have good roads is to build them. It is a mistaken idea with some that the only way to have good roads is to build them.

Herbert Bonner, Scott Frost, Norbert Thonix, Thomas L. Barret, Joseph Bond, Maurice Cotton.

Miss Charles Claggett entertained the members of her bridge club at her home on Third avenue, Louisville, yesterday afternoon.

Miss Harry I. Mott will give a dinner at her home followed by a box party at Macaulay's Theatre to see Grace Sargent in "The Girl of the Year" on Friday, December 12, in honor of Miss Sally Cooke.

Miss Valeria Atherton, who is a student at Vassar College, will arrive on Friday, December 20, to spend the Christmas holidays with her father, Peter Lee Atherton.

Miss Lucretia Cousen, of England, is visiting her aunt, Mrs. Bayler Hickman, on Lexington avenue. Miss Cousen accompanied Mrs. Hickman home the first of the week from the East, where she had been to spend the Thanksgiving holidays with her daughter, Miss Helen Hickman.

Mrs. James Bayard, of Germantown, Pa., is the guest of Miss Alice Short.

Miss Philip P. Huston and daughter, Miss Cecelia Huston, have returned from Alabama, where they spent a month visiting relatives. Mr. and Mrs. Huston and their daughters, Miss Edith, Margaret and Cecelia Huston, will leave on December 29 for Thomasville, Ga., where they will spend the winter.

Miss Lucy Jones, who is attending school in New York, will come home on December 20 to spend the Christmas holidays with her parents, Mr. and Mrs. Samuel J. Jones.

Mr. and Mrs. S. McDowell, who have been at Mrs. Wendell W. Allen's, 61 West Broadway, visiting Mrs. Allen's mother, Mrs. S. McDowell, will return from an extended stay in Europe, two weeks ago, have taken apartments at the Oak House for the winter.

Mrs. B. Bechert, of Racine, Wis., and her daughter, Miss Bechert, of Albion, N. Y., will arrive to-day to spend the Christmas holidays with their parents, Mr. and Mrs. B. Bechert, of Racine, Wis.

Miss Bettie Craig, of Danville, is the guest of Mrs. H. Horace Grant.

Mrs. Harry Lee and little daughter, Lucy Lee, left December 1 for Chicago to visit relatives for several weeks.

Miss Annabel Hughes left yesterday for St. Louis, where she will spend the Christmas holidays with her father, Mr. Frederick Harrison Smith, and later will visit her brother, Mr. William Lee Hughes, Assistant Postmaster, U. S. N. Y., Newport, R. I.

The regular monthly meeting of the Women's Outdoor Art League will be held at the home of Mr. Donald Tyler, 121 Lexington, on Friday afternoon at 3:30 o'clock. Business of importance will be discussed and a full attendance is recommended.

Mrs. John A. Stratton has returned from an visit to Owsboro, and will leave the latter part of next week to spend the Christmas holidays with her son, Mr. Frank Stratton, in New York.

Mrs. Oscar Beckman left Monday for Cincinnati, where she is visiting relatives for a week or ten days.

Mrs. R. W. Owen, of Lewisport, and Mrs. W. C. Moorman, of Glendale, are in Louisville for a few days, and are stopping at The Seaboard.

CAL ISSUE

For Statement of Condition of Banks.

AT THE CLOSE OF BUSINESS ON DECEMBER 3.

HOUSE CURRENCY COMMITTEE HOLDS FIRST MEETING.

FIVE NAMED TO DRAFT BILL.

Washington, Dec. 4.—The Controller of the Currency today issued a call for a statement of the condition of national banks at the close of business on December 3.

Washington, Dec. 4.—The newly appointed House Committee on Banking and Currency held its first meeting today, spending two and one-half hours in discussing the currency question. The conclusion of the meeting, several of the members stated that as a result of the conference, the members of the committee were no nearer to a decision than they had been before, notwithstanding the same men, with the exception of three, composed the committee during the Fifty-ninth Congress.

The only definite action taken at this initial meeting was the authorizing of the chair to appoint a sub-committee of five to draft and submit a currency bill. There will be no hearings before the committee until the sub-committee has finished its task and the completed draft is in the hands of the chairman. The committee has apparently agreed that it will sanction no move to increase the bulk of paper money, but will confine itself to the consideration of the best means of injecting elasticity.

The view was strongly urged that the laws should be changed so as to prevent the absorption of reserve money in national banks by banks in reserve cities. National banks are required to hold in reserve cities three-fifths of their reserve capital and it was pointed out that under this requirement country banks have to send their reserve portion to the nearest designated reserve city, whose banks, it was asserted, loan it out, and in time of sudden emergency find themselves unable to recede to the call of the country banks for return of the deposits. Several members of the committee expressed the opinion that the loaning of reserve funds should be checked by legislation.

NEW ERA OF PROSPERITY.

Harriman Says "We Are In The Round and In It To Stay."

New York, Dec. 4.—That the country is already beginning to recover from the severe shock received in the recent panic is the opinion of E. H. Harriman as expressed in an interview published here today. "We are in the round and in it to stay," he said. "There will be no falling back, each step that we are taking is firm. Underneath the whole situation there is industrial stability. There is too much work to be done and too great capacity for doing it to allow a long drawn-out depression. There are indications everywhere that confidence is being restored. The country is too big and the people too sensible to allow the acts of a few men to shake their faith in the integrity of our great financial and business men. Naturally, there is a little scare at first, but when the people saw that there were no rotten spots any here and there, they quickly recovered from their fright. The dawn of a new era of prosperity is here. The overstrain on cash is being relieved, and credit is once more being allowed to perform its normal work."

Decrease In Iron Production.

Cleveland, Dec. 4.—The monthly statistics of the Iron Trade Review shows production for November of 1,815,224 tons against the record of October of 1,839,690 tons was made. The decrease of 24,466 tons does not fully represent the curtailment in progress, as the number of furnaces in blast December 1 was 237, against 314 in blast November 1. Some of the latter were active a part of November. The statistics for December will undoubtedly indicate a very much larger decrease than those for November.

New Orleans Bank Reserves.

New Orleans, Dec. 4.—An official statement from the New Orleans clearing-house to-night places the reserves of all banks in the city at about 35 per cent, or 10 per cent, above the deposits required by the national banking laws. New Orleans banks are now in about the same condition they were just before the crisis, except that they have a little more cash than at that time.

New Line Projected.

Chicago, Dec. 4.—Special to the Journal from Springfield, Ill., says: The secret of the purchase of the Chicago and Alton recently by the Clover Leaf is believed to be revealed in a plan to construct an air line from the intersection of the Clover Leaf and the Cincinnati, Hamilton and Dayton at Metcalf, Ind., to this city, a distance of ninety-seven miles.

Receiver Appointed.

Detroit, Mich., Dec. 4.—In the Circuit Court at Lansing, Judge West today appointed W. J. Dancer, of Ann Arbor, receiver of the Commercial Bank of Stockbridge, which closed its doors yesterday morning as a result of the financial difficulties of Frank P. Glaser.

FUNERAL SERVICES FOR MRS. BARBARA MANNING.

Aged Woman Died Yesterday Morning. As Result of Injuries Sustained by Her in Fall.

The funeral services of Mrs. Barbara Manning, widow of William Manning, and who died yesterday morning at her home, 302 Duncan street, on injuries received two days ago, will be held this afternoon at 2 o'clock at the residence. The burial will be in Portland cemetery. Mrs. Manning was seventy-one years of age, and had been in feeble health for the past year. While descending the steps on the back porch at her home, she fell headlong to the pavement and was rendered unconscious. In the fall, her head was struck a few minutes later by her daughter, Mrs. A. Saan. She was carried into the house and was found to be suffering from a fractured hip and a scalp wound. Owing to her advanced age, Mrs. Manning never rallied, and sank rapidly until her death yesterday morning.

Alleged Youthful Coal Thief.

Lewis Slamm was arrested yesterday afternoon at Fourteenth and Oak streets by Detective Fontaine and Fisher. He is only fourteen years of age and was taken to the Central police station and charged with petit larceny. Officials of the Illinois Central Railroad Company complained to the police that coal was being stolen from the cars and detectives were detailed on the case. The officers say they caught Slamm with about eight or nine wheelbarrows. All the cars into a wheelbarrow. All the

SCENES AND PROMINENT FIGURES IN THE NOTABLE TRIAL OF CALEB POWERS AT GEORGETOWN.



1.—Sheriff W. C. Warring and Deputies, Tom Schuff and Ernest Neal, who summoned the Grant county venire. 2.—Front of Georgetown courthouse, showing statue of Justice, from hand of which the scales have fallen. 3.—Caleb Powers and his attorneys—Front Row—J. C. Sims and Samuel M. Wilson; Back Row—W. M. Smith, Caleb Powers and W. C. Owens. 4.—The Grant county veniremen. 5.—Some Powers workers—Special Bailiff W. W. Shaw and William Wayland, of Grant county; Ira S. Shy, of Cynthiana, and Postmaster McClure, of Dry Ridge.

UNREASONABLE

Says Cumberland Company of City's Regulations.

ASKS AND OBTAINS INJUNCTION ON THESE GROUNDS.

FOLLOWS DISSOLUTION OF FIRST RESTRAINING ORDER.

ARGUMENT ON JANUARY 15.

For the purpose of again blocking efforts on the part of the city to enforce the ordinance passed November 12, 1906, regulating rates to be charged by telephone companies, the Cumberland Telephone and Telegraph Company yesterday asked for, and was granted by Judge Walter Evans, of the Federal Court, a second restraining order against the city of Louisville. In the petition asking for the permanent injunction against the city it is recited that the Cumberland company and the Ohio Valley Telephone Company consolidated in 1900, since which time the consolidated companies have been operating under a city ordinance passed after the passage of the act, which is arbitrary, unreasonable, unjust and confiscatory, and such as will deprive the stockholders of their property in violation of the fourteenth amendment to the Constitution of the United States.

Petition on Different Grounds.

The action taken by the Cumberland company yesterday is along the same line as the original action, taken immediately after the granting of the first restraining order, and is an injunction in the Federal Court and an injunction in the Federal Court and an injunction in the Federal Court.

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CLARK COUNTY'S NEW POORHOUSE WHICH WAS OCCUPIED FOR THE FIRST TIME YESTERDAY

Except For Man, Who Preferred the Barn, All Thirty Inmates Slept In Rooms Last Night.

The new poor asylum for Clark county, which cost about a cent of \$25,000, was occupied for the first time yesterday. Except for one man, who preferred the barn, all thirty inmates slept in rooms last night.

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Too Many Fine Overcoats

So we've CUT PRICES to cut down stocks. Offering "January bargains in December." And they'll "look good to you" if you'll come.

ELBEE and "H.S. & M."
goods—finest in the world; all styles; all materials and all kinds of patterns. Every fine Overcoat in stock now bears a reduction tag as follows:

\$50.00 ones	\$37.50
\$45.00 ones	\$32.50
\$40.00 and \$35.00 ones	\$27.50
\$30.00 ones	\$22.50
\$25.00 ones	\$17.50
\$20.00 ones	\$12.50

LEVY'S Third & Market.

Members Retail Merchants' Association, Railroad Fare Refunded Until Dec. 14.

Fine Mahogany Piano

Celebrated make; Cabinet Grand; very sweet tone. Handsome Veneer Scarf and Stool to match free. Will sacrifice for \$125 for immediate sale.

F. M. TILLER, Fifth and Walnut.

Courier-Journal.

WEDNESDAY, DECEMBER 4, 1907

COUNTY CLERK WOULD HAVE ANOTHER DEPUTY

MR. GABHART MAKES PROPOSITION TO FISCAL COURT.
NO UNDERLING OF HIS CAN DRAW \$5,000 PER YEAR.

OBJECTIONS TO ROAD REPORT.

As the result of an agreement between Mark H. Gabhart, County Clerk, and the Fiscal Court at an adjourned meeting yesterday the County Clerk's chief deputy will no longer be clerk of the Fiscal Court, but will be assigned to duties immediately under the supervision of his chief. Mr. Gabhart reached the conclusion that he would rather assign some other clerk to this work because of other uses to which he wished to make of the services of Chief Deputy W. K. Clark.

FOR SHORTAGE

Star Fire Insurance Co. Sues On Surety Bond.

DECLARES THAT ITS EASTERN AGENT IS SHORT \$20,000.

PETER KUHN FOUND TO BE OF SOUND MIND.

REPORT OF THE GRAND JURY.

The Star Fire Insurance Company yesterday afternoon brought suit against the National Surety Company for \$20,000, which the plaintiff says is due from the defendant under a surety bond of Charles F. Mitchell because of his alleged peculations to an amount in excess of that sum.

The Star Fire Insurance Company says that Mitchell was in charge of their Eastern department. The bond of the defendant company for Mitchell's faithful performance of his duty was issued according to the petition, March 17, 1906, and continued for one year. It is alleged that proofs of the shortage charged were furnished the defendant company May 22, 1907, but that refusal to pay was the result.

The company will resist payment on the ground that Mitchell does not owe the company the sum stated on account of counterclaims now urged by him in the settlement of his claims against the company.

Negro Given Five Years.
Henry Lewis, colored, tried in the Criminal Court yesterday on the charge of grand larceny, was given five years in the penitentiary. The defendant was accused of having stolen clothing and a dress-making machine from a store in Louisville.

Declared of Sound Mind.
Peter Kuhn, about sixty years of age, was examined in the Criminal Court yesterday as to his mental condition and found to be of sound mind. Last August Kuhn was declared insane because of his alleged insanity in the management of his estate, which is worth about \$50,000, and the Fiscal Court Company named as his committee.

Report of Grand Jury.
The grand jury returned the following indictments yesterday afternoon and adjourned until this morning:

Obtaining Money Under False Pretenses.
Charles L. Hays, charged with obtaining money under false pretenses from a woman named Mrs. Mulligan, Jim Taylor and James Lynch.

Count Paragraphs.
Flora Dupin sued Charles Beninger for \$5,000, charging slander.

Charles Frederick sued Alex Hirschberg for \$500, charging breach of contract.

Elizabeth Becker sued the estate of Joseph Wagner for \$200, said to be due on a note.

Richard Hite sued the Louisville Railway Company for \$250, alleging personal injuries.

Hanche Braine sued James Braine for divorce, alleging abandonment. They were married November 5, 1902.

Ulysses Devine sued Evie Devine for divorce, charging insanity. They were married June 12, 1902.

Doll & Zedler sued the Mynett Building Company for \$200, said to be due for building material.

William J. Norton sued the Louisville Railway Company for \$250, charging that his horse and wagon were run down by a car and damaged.

Hyman Shatz sued the Louisville Railway Company for \$250, charging that a horse and wagon belonging to them was injured in a collision with a car.

G. L. Brewer sued the Louisville Railway Company for \$250 as damages said to have been done to a horse and wagon which was struck by a car.

Annie L. Bulfinch sued the Illinois Glass Company to prevent by an injunction further obstruction to an alley adjacent to land of the plaintiff.

The will of Charles L. Struck, dated October 20, 1907, and probated yesterday, provides that his property shall go to his widow, Bernadine Struck, who is named executrix without bond.

Becker & Shatz sued the Louisville Railway Company for \$500, averring that a horse and wagon belonging to them was injured in a collision with a car.

In the case of Jennie McGovern against the Louisville Railway Company for \$500 because of injuries she received from the derailment of a car, a jury in Judge Boyd's court returned a verdict for the plaintiff.

James B. Harris sued the Louisville Water Company and the city for \$100, alleging that a buggy he was driving was injured by an obstruction on an alley adjacent to land of the defendants.

Heating Company, Hardin; order of submission set aside; additional record filed; case resumed.

County of Jefferson vs. Peter, etc.; affidavit of Dennis B. Gooder filed; attachment filed; case ordered for the present term, advanced and partly given until to-morrow morning to file brief.

Commonwealth of Kentucky vs. Patrick, Musgrave; appeal filed; brief filed.

Wilson's receiver vs. Murphy's administrator; Murphy's administrator, et al. vs. Wilson & Mur. No. 100; motion by Murphy's administrator to consolidate; motion submitted.

South Covington and Cincinnati Street Railroad Company vs. Brown; appellant filed petition for rehearing.

Barren vs. City of Lexington; Fayette; agreement as to mandate filed.

Ewing & Son vs. Callahan, by, etc.; Jefferson; appellant filed petition for rehearing; given ten days to withdraw and print.

And N. Co. vs. Roth, Kenton; appellant filed supplemental brief.

Shauling County Attorney, vs. Thornberry, Marion; on petition for rehearing; Terrill vs. Trimble county; argued by T. W. Thomas and L. T. Edelen for appellant; Shauling and Wm. Carroll for appellant Terrill and submitted.

Court adjourned until to-morrow at 11 o'clock.

Court of Appeals Decisions.

Rachel Thomas vs. Cincinnati, New Orleans and Texas Pacific Railway Co., etc.—Filed November 20, 1907. (To be reported.) Appeal from Pulaski Circuit Court. Opinion of the court by Chief Justice O'Neal, affirming.

First—Railroads—Injury to Trespasser.—Presence Unknown—Unavoidable Accident.—Where a trespasser whose presence was unknown to those in charge of a train was injured by the falling of a beam gate from a freight train, which had been temporarily laid on the coal by the fireman to keep the coal back, and the train was rapidly running around a curve on its track, there can be recovery for such injury.

Second—Negligence—Breach of Duty.—Negligence is the antithesis of duty. Where there is no duty there cannot be negligence. As appellee was not under the duty to require the presence of his train as to her. The fact that it was unsafe, but not recklessly or wantonly so, was not, therefore, a breach of duty to her, and is not actionable negligence.

O. H. Waddle & Son, John Galvin for appellant; Campbell & Williams, for appellee.

Annie Thurman vs. Western Union Telegraph Co.—Filed Nov. 15, 1907. (To be reported.) Appeal from Jefferson Circuit Court, Common Pleas, Second Division. Opinion of the court by Judge Settle, reversing.

Telegram—Will to Husband—Illness of Child—Failure to Deliver—Recovery of Child—Mental Suffering of Wife—Action For.—In an action by a wife against a telegraph company for damages for mental suffering for failure to deliver a telegram which her husband had sent to her in Chicago, announcing the illness of their little daughter, who has just died, the court sustained the claim to which a demurrer was sustained. Held: If, as alleged in the petition, the negligence of the company in failing to send or deliver the telegram prevented the recovery of the money and deprived the wife of her superior judgment, advice and capacity to afford consolation in the emergency, the company is liable for mental suffering, the petition stated a cause of action, although the illness of the child was not fatal.

O'Neal & O'Neal, Isaac T. Woodson for appellant; Campbell & Williams, for appellee.

Commonwealth of Kentucky vs. Remington Typewriter Co.; Commonwealth of Kentucky vs. Windisch-Muhlhauser Brewing Co.; Commonwealth of Kentucky vs. Lexington Brewing Co.; Commonwealth of Kentucky vs. Singer Sewing Machine Co.—Filed November 22, 1907. (To be reported.) Appeal from Boyle Circuit Court. Opinion of the court by Judge Settle, affirming.

First—Corporations—Circulating Advertisements—Failure to Print Word "Incorporated"—Penalty.—Section 55 of the Revised Statutes of 1903 provides that every corporation organized in this State or doing business in this State shall in a conspicuous place on its office or place of business have its name printed or painted in letters easily read and like and in the manner of the word "Incorporated," and on all printed matter used by them (with certain exceptions) shall appear in letters easily read the word "Incorporated," in an action brought under Sec. 55 of the Criminal Code in Practice, in the Boyle Circuit Court to recover the penalty denounced in the statute for the failure to print the word "Incorporated" in the principal place of business of each of said corporations was in other counties than Boyle county, on special demurrer the jurisdiction of the Boyle Circuit Court the Circuit Court properly sustained the demurrer.

Second—Suits—Classification and Exemption—Discrimination.—The classification of suits in the Criminal Code, Sec. 55 Ky. Stats. is not discriminatory, unequal or partial legislation, in the meaning of the Constitution of this State or of the United States, but prosecutions under it must be in the counties in which the corporation has its principal office or place of business in this State or in the county in which the office or place of business of the corporation is located.

N. B. Hays, Attorney General, for appellant; Chas. H. Rodes, John W. Hinkley, J. C. Maxwell, Thos. P. Carothers for appellee.

Pries Stuart vs. Commonwealth of Kentucky.—Filed November 13, 1907. (Not to be reported.) Appeal from Franklin Circuit Court. Opinion of the court by Judge Settle, affirming.

Criminal Law—Homicide—Verdict by Jury—Motion for New Trial—Exception—Jurisdiction on Appeal.—Where a jury verdict in a homicide case is set aside by the court on a motion for a new trial, and the case is retried, the court has no jurisdiction to consider an appeal under Criminal Code, Sec. 20, which provides that motions for a new trial shall not be subject to exception.

John W. Rodman, Leslie Morris for appellant; N. B. Hays, Attorney General, S. H. Moore for appellee.

R. Brown vs. M. J. Moss, Judge Twenty-sixth Circuit Court district.—Filed October 20, 1907. (To be reported.) Appeal from Kentucky Circuit Court. Opinion of the court by Judge Barker, affirming.

First—Judicial Districts—Circuit Court—Number Allowable—Constitutional Provision—How Ascertained.—Sec. 138 of the Constitution of the State provides that the Legislature in apportioning judicial districts in the State, the number including the whole number of counties, shall not exceed one district for every 10,000 of the population of the State, and shall not exceed at any time one for every 9,000 of the population of the State, according to the last enumeration held.—That in creating the judicial districts, the Legislature in 1900, it was proper to divide the population of the entire State as shown by the census of 1890 by nine to ascertain whether the State was entitled to as many as thirty-three districts.

Second—Time—Title to Act Creating District—Subject of Act—Constitutionality.—An act of the Legislature entitled "An act to create the Thirty-third judicial district of Kentucky, and to change the Twenty-sixth, Twenty-seventh and Twenty-eighth Circuit Court judicial districts to the Twenty-third, Twenty-fourth and Twenty-fifth districts, and to provide for Judges and Commonwealth Attorneys for same," relates to but one subject, and is necessary to the creation of the new district, and is not in contravention of Sec. 31 of the Constitution providing "that no law enacted shall relate to more than one subject, and that shall be expressed in the title."

St. Louis, Dec. 4.—By means of a writ of habeas corpus secured from the Clayton County Circuit Court, Antonio Thompson and his wife, of Los Angeles, Cal., to-day secured possession of their sixteen-year-old daughter, Marie, from a band of gypsies camped on the western outskirts of St. Louis. The parents declare the daughter was stolen from them a year ago and that since then they have traveled thousands of miles and spent practically all of their money in searching for her.

FOUND THEIR DAUGHTER IN CAMP OF GYPSIES.

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Marriage Licenses.
Marriage licenses were issued yesterday to the following: Orren August Van Deventer and Alice B. Gilbert; Charles Greff and Mamie E. Wenzelberger; Albert McGinty and Lottie May Ulrich; Joseph Ellis and Alice Burch; Henry Medley and Gladie Sweet; George J. Adams and Abbie Smith Galloway.

10 A. M.—OPENING DAY—10 A. M.

OF THE

Kentucky Dairy Lunch,

350—West Jefferson Street—350

The Finest Equipped in America, Serving Special Ready-to-Serve Dishes Daily.

FOR TO-DAY:

CHICKEN PATTIES
Half dozen Fried Oysters, 15c. All Pastries 5c. Ham and Roast Beef Sandwiches, 5c.

APPLE DUMPLING AND CREAM 10c

OYSTER PATTIES

JAMES B. CAMP, Owner.

Just Received

Our import line of Brass and Copper Goods — comprising Desk Furnishings of all kinds — Candelsticks, Jardinieres, Trays, Dishes, etc. Any of these would make an appreciative gift.

Thalheimer & Frank,

JEWELERS,

The Paul Jones Building,

Louisville, Ky.

MEMBERS R. M. A.

BLOSSOM

Front 2 in. Back 1 1/4 in.

A Dressy Style

STERLING

2 for 25c

FELLOWS & CO. Makers. Trov. N.Y.

HERMAN STRAUS & SONS CO.

Save Pain! Save Money!

Teeth extracted absolutely without pain, as known to be the safest and best method in Louisville.

DOES NOT require the use of any anesthetic to do painless work; our patented method is positive. Why take chances with others?

Established 25 years. All work guaranteed for 10 years.

Wholesale Set of Teeth, with Rivets \$4

BRIDGEWORK, Guaranteed.....\$2.50

BEST SET OF TEETH.....\$2.00 up

GOLD CROWN.....\$2.50

GOLD FILLING.....75c

SILVER FILLINGS.....25c

NATIONAL DENTAL PARLORS 582 Fourth

Open Daily Till 9 p. m. Sunday All Day.

J. D. Powers, President;

Matt O'Doherty, First Vice Pres.;

Darwin W. Johnson, Sec. and Treas.

Commonwealth Life

Insurance Company

Home Office, 308 W. Chestnut St.,

LOUISVILLE, KY.

Offers to the People of Kentucky

THE MOST LIBERAL POLICY

That is issued by any company.

Dividends Are Guaranteed

And plainly stated in the policy. Let

us explain this contract to you.

Address the Secretary,

THE REV. J. TWYMAN BOYER

COMING TO LOCAL CHURCH.

St. Louis Minister Accepts Call To

Pastorate of Third Presby-

terian Congregation.

Peerless

1908 Model Has Arrived

and is now on exhibition at our place.

It is the most refined and handsome 7-passenger car ever shown in Louisville, and must be seen to be appreciated.

KY. AUTO CO. 1049 Third

A Choice Box of

Cut Flowers

Or a beautiful

PLANT

Makes a most acceptable

CHRISTMAS GIFT

Let me have your order early

AUG. R. BAUMER,

FLORIST,

Masonic Temple, Fourth and Chest.

BOTH PHONES.

SPECIAL ATTENTION TO OUT-

OF-TOWN ORDERS.

BLUEGRASS

TURKEYS

Missouri Quail

Fresh Oysters

BULK OR SHELL,

—AT—

A. BOOTH & CO.

108-110 WEST JEFFERSON ST.

Both Phones 616.

Courier-Journal

Office

Building

Directory

Cut Flowers.....James Manos.

Lobby Entrance.

Western Union Telegraph Co.

Branch in rear Lobby Entrance.

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Letchfield, Ky., Dec. 4.—[Special.]—

After having been separated from his

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They were married in Louisville.

Fletcher was divorced from his first

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FOUND THEIR DAUGHTER

IN CAMP OF GYPSIES.

St. Louis, Dec. 4.—By means of a

writ of habeas corpus secured from the

Clayton County Circuit Court, Antonio

Thompson and his wife, of Los Angeles,

Cal., to-day secured possession of their

sixteen-year-old daughter, Marie, from

a band of gypsies camped on the

western outskirts of St. Louis. The

parents declare the daughter was stol-

en from them a year ago and that since

then they have traveled thousands of

miles and spent practically all of their

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